

Holland & Knight

31 West 52nd Street | New York, NY 10019 | T 212 513 3200 | F 212 385 9010
Holland & Knight | LP | www.hklaw.com

February 1, 2016

Marie E. Larsen
(212) 513-3477
marie.larsen@hklaw.com

Via ECF

Honorable Valerie E. Caproni
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Room 240
New York, New York 10007

Re: *Modion Maritime Management SA v. O.W. Bunker Malta Limited, et al.*,
U.S.D.C., S.D.N.Y., Docket No. 15 Civ. 8084 (VEC)

Western Bulk Carriers AS, et al. v. O.W. Bunker & Trading A/S, et al.
U.S.D.C., S.D.N.Y., Docket No. 15 Civ. 8304 (VEC)

Fednav International Ltd. v. O.W. Bunker & Trading A/S
U.S.D.C., S.D.N.Y., Docket No. 15 Civ. 8722 (VEC)

Minerva Marine Inc. v. O.W. Bunker Malta Limited, et al.
U.S.D.C., S.D.N.Y., Docket No. 15 Civ. 8724 (VEC)

Colonial Navigation Co. Inc. v. O.W. Bunker & Trading A/S, et al.
U.S.D.C., S.D.N.Y., Docket No. 15 Civ. 9204 (VEC)

Dear Judge Caproni:

We are attorneys for the interpleader plaintiffs in the above-captioned actions, Modion Maritime Management SA, Western Bulk Carriers AS, Western Bulk Chartering AS, Fednav International Ltd., Minerva Marine Inc. and Colonial Navigation Co. Inc. The above-captioned actions were filed between October 15, 2015 and November 23, 2015. Although marked related to the lead O.W. Bunker interpleader case, *UPT Pool Ltd. v. Dynamic Oil Trading (Singapore) Pte Ltd., et al.*, Case No. 14 Civ. 9262 (VEC), these five actions are neither stayed in accordance with Your Honor's order applicable to 13 cases, nor are they proceeding with discovery along with the other 12 non-stayed interpleader cases.

We write to request alternative service on various foreign O.W. Bunker entities who have, upon information and belief, shut down and/or been appointed liquidators or receivers in their home jurisdictions.

Honorable Valerie E. Caproni
United States District Judge
February 1, 2016
Page 2

1. *Modion Maritime Management SA v. O.W. Bunker Malta Limited, et al.*,
U.S.D.C., S.D.N.Y., Docket No. 15 Civ. 8084 (VEC)

Defendant-claimant O.W. Bunker Middle East DMCC was a corporate entity located in the United Arab Emirates, and is currently under liquidation with KPMG Lower Gulf Limited and Pricewaterhouse Coopers LLP. Additionally, O.W. Bunker Middle East DMCC has signed a cooperation agreement with ING and has assigned all of its rights to ING. Plaintiff Modion Maritime Management SA therefore respectfully requests the Court's judicial assistance in effecting service on O.W. Middle East by ordering that service on its liquidators at KPMG and PWC by mail in accordance with Fed. R. Civ. P. 4(f)(2)(c) is good and valid.

Upon information and belief, Defendant-claimant O.W. Bunker Malta Limited is not in insolvency proceedings and has not signed a cooperation agreement with ING. However, O.W. Malta is a chargor in the Security Agreement with ING and ING has sought to collect payment on behalf of O.W. Malta. O.W. Malta's last known address is 18/2 South Street, Valletta VLT 1102, Malta. Plaintiff Modion Maritime Management SA therefore respectfully requests the Court's judicial assistance in effecting service on O.W. Malta by ordering that service on its last-known business address by mail in accordance with Fed. R. Civ. P. 4(f)(2)(c) is good and valid.

2. *Western Bulk Carriers AS, et al. v. O.W. Bunker & Trading A/S, et al.*
U.S.D.C., S.D.N.Y., Docket No. 15 Civ. 8304 (VEC)

Defendant-claimants O.W. Bunker & Trading A/S and O.W. Bunker Supply & Trading A/S (together, "O.W. Denmark") are currently in liquidation in their home jurisdiction in Denmark. O.W. Denmark has signed a cooperation agreement with ING and has assigned all of its rights to ING. Plaintiffs Western Bulk Carriers AS and Western Bulk Chartering AS therefore respectfully request the Court's judicial assistance in effecting service on O.W. Denmark by ordering that service on its Danish trustee's U.S. counsel, Skadden, Arps, Slate, Meagher & Flom LLP in New York by hand, and on O.W. Denmark's trustee, John Sommer Schmidt at Gorrisen Federspiel law firm in Denmark by mail in accordance with Fed. R. Civ. P. 4(f)(2)(c) is good and valid.

3. *Fednav International Ltd. v. O.W. Bunker & Trading A/S*
U.S.D.C., S.D.N.Y., Docket No. 15 Civ. 8722 (VEC)

Defendant-claimant O.W. Bunker & Trading A/S is currently in liquidation in its home jurisdiction in Denmark. O.W. Denmark has signed a cooperation agreement with ING and has assigned all of its rights to ING. Plaintiff Fednav International Ltd. therefore respectfully request the Court's judicial assistance in effecting service on O.W. Denmark by ordering that service on its Danish trustee's U.S. counsel, Skadden, Arps, Slate, Meagher & Flom LLP in New York by hand, and on O.W. Denmark's trustee, John Sommer Schmidt at Gorrisen Federspiel law firm in Denmark by mail in accordance with Fed. R. Civ. P. 4(f)(2)(c) is good and valid.

Honorable Valerie E. Caproni
United States District Judge
February 1, 2016
Page 3

4. *Minerva Marine Inc. v. O.W. Bunker Malta Limited, et al.*
U.S.D.C., S.D.N.Y., Docket No. 15 Civ. 8724 (VEC)

Upon information and belief, Defendant-claimant O.W. Bunker Malta Limited is not in insolvency proceedings and has not signed a cooperation agreement with ING. However, O.W. Malta is a chargor in the Security Agreement with ING and ING has sought to collect payment on behalf of O.W. Malta. O.W. Malta's last known address is 18/2 South Street, Valletta VLT 1102, Malta. Plaintiff Minerva Marine Inc. therefore respectfully requests the Court's judicial assistance in effecting service on O.W. Malta by ordering that service on its last-known business address by mail in accordance with Fed. R. Civ. P. 4(f)(2)(c) is good and valid.

SEKA S.A. is a foreign physical supplier located in Greece. As set forth in the Complaint, SEKA commenced an action on October 1, 2015 against Minerva Marine Inc. before the Single Member First Instance Court of Piraeus, Greece. Plaintiff Minerva Marine Inc. therefore respectfully requests the Court's judicial assistance in effecting service on SEKA S.A. on its Greek counsel by mail in accordance with Fed. R. Civ. P. 4(f)(2)(c) is good and valid.

5. *Colonial Navigation Co. Inc. v. O.W. Bunker & Trading A/S, et al.*
U.S.D.C., S.D.N.Y., Docket No. 15 Civ. 9204 (VEC)

Defendant-claimant O.W. Bunker & Trading A/S is currently in liquidation in its home jurisdiction in Denmark. O.W. Denmark has signed a cooperation agreement with ING and has assigned all of its rights to ING. Plaintiff Fednav International Ltd. therefore respectfully request the Court's judicial assistance in effecting service on O.W. Denmark by ordering that service on its Danish trustee's U.S. counsel, Skadden, Arps, Slate, Meagher & Flom LLP in New York by hand, and on O.W. Denmark's trustee, John Sommer Schmidt at Gorrisen Federspiel law firm in Denmark by mail in accordance with Fed. R. Civ. P. 4(f)(2)(c) is good and valid.

We thank the Court for its attention to these matters.

Respectfully submitted,



Marie E. Larsen

cc: Via ECF to all counsel of record